

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
v.) Case No.
UBER TECHNOLOGIES, INC.;) 3:17-cv-00939-WHA
OTTOMOTTO LLC;)
OTTO TRUCKING,)
Defendants.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF EDWARD RUSSO
WEDNESDAY, DECEMBER 20, 2017

REPORTED BY:

PAUL J. FREDERICKSON, CCR, CSR

JOB NO. 2771335

PAGES 1 - 367

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	surveillance? Do you know?	08:17:37
2	A. I don't.	08:17:38
3	Q. Did you ever see a report about	08:17:39
4	it?	08:17:40
5	A. I did not.	08:17:41
6	Q. Did you talk to anyone about it?	08:17:41
7	A. Nick Gicinto told me, you know,	08:17:43
8	this was something that had taken place, and	08:17:45
9	I -- I forgot the dates, but it would have been	08:17:47
10	in the spring, I guess, of 2016.	08:17:49
11	Q. Okay.	08:17:51
12	And what was the context of him	08:17:53
13	telling you that? Why -- why was he telling	08:17:54
14	you that?	08:17:56
15	A. Just to inform me on some of the	08:17:57
16	stuff that had -- the team had done prior to my	08:17:59
17	arrival.	08:18:02
18	Q. Other than the surveillance of	08:18:09
19	████████ that happened on two separate occasions	08:18:10
20	--	08:18:10
21	A. Right.	08:18:13
22	Q. -- and the surveillance of Waymo	08:18:14
23	in Arizona and the surveillance of █████ that	08:18:16
24	you mentioned, are there any other instances	08:18:19
25	that you're aware of, whether you're personally	08:18:20

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 aware of it or because you heard from someone 08:18:23
2 else, of any surveillance that Uber did of 08:18:25
3 competitors? 08:18:29
4 A. No. 08:18:29
5 Q. You haven't heard anything else; 08:18:30
6 right? 08:18:31
7 A. No. 08:18:31
8 Q. And explain to me the context or 08:18:35
9 the purpose of the due diligence surveillance 08:18:38
10 that was done in connection with [REDACTED]. 08:18:41
11 A. It was my understanding that ATG 08:18:46
12 was [REDACTED] 08:18:48
13 [REDACTED] 08:18:52
14 [REDACTED] 08:18:57
15 ATG's -- Mr. Levandowski, Mr. Ron 08:19:03
16 had asked for certain -- for [REDACTED] to provide 08:19:06
17 certain things so they could assess the 08:19:07
18 technology to determine whether this would be a 08:19:09
19 wise business decision on -- on Uber's part. 08:19:11
20 Apparently [REDACTED] was not 08:19:14
21 forthcoming to their -- to their liking. 08:19:16
22 They -- they felt they were -- they lacked the 08:19:20
23 information they needed. So they asked us if 08:19:23
24 we could videotape one of their cars so they 08:19:25
25 could get a sense of how good the technology 08:19:28

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	Q.	Of 2017?	08:33:57
2	A.	Yes.	08:33:57
3	Q.	The surveillance that happened at	08:34:07
4		Waymo in Arizona, can you tell me how that	08:34:09
5		arose?	08:34:11
6	A.	To be perfectly honest, I'm less	08:34:15
7		clear on the genesis of that. After we did the	08:34:17
8		█████ surveillance and provided the videos,	08:34:20
9		about a week later, if I remember correctly,	08:34:25
10		Mr. Gicinto called me and said that	08:34:29
11		Mr. Levandowski and Mr. Ron would be interested	08:34:31
12		in similar videos of the Waymo cars in Arizona.	08:34:34
13	Q.	You said a week after the █████	08:34:40
14		surveillance. Were you referring to the	08:34:42
15		March --	08:34:44
16	A.	Yes.	08:34:45
17	Q.	-- 2017 surveillance?	08:34:45
18	A.	Yeah, the March. Because we -- we	08:34:47
19		did the Waymo videotaping in mid April.	08:34:49
20	Q.	What did Mr. Gicinto tell you the	08:34:59
21		purpose of getting videos of the Waymo cars in	08:35:03
22		Arizona was?	08:35:06
23	A.	As I recall, it was just that	08:35:08
24		Mr. Levandowski and Mr. Ron were interested in	08:35:11
25		videos of Waymo cars. I -- I was unaware of a	08:35:14

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 bigger purpose behind it. 08:35:17

2 Q. And what did you do in connection 08:35:19

3 with doing that surveillance of Waymo cars in 08:35:21

4 Arizona? 08:35:23

5 A. Same as I just described with 08:35:25

6 [REDACTED]. Jake Nocon, myself went down. One of 08:35:27

7 the [REDACTED] came down or contractors came 08:35:31

8 down, and we videotaped the Waymo cars. 08:35:35

9 Q. How long did that project last? 08:35:51

10 A. Three or four days. 08:35:53

11 Q. Did you get any feedback from 08:35:57

12 Mr. Ron or Mr. Levandowski or Mr. Gicinto or 08:36:02

13 anyone else about the video that you took 08:36:06

14 there? 08:36:07

15 A. As I recall, the -- I mean, they 08:36:11

16 were happy we had the video, but I mean, there 08:36:13

17 was no specific -- specific comments that I 08:36:15

18 remember. 08:36:17

19 Q. Do I understand correctly that 08:36:23

20 from August of 2016 when you were hired at Uber 08:36:24

21 and March of 2017, you're not aware of any 08:36:28

22 surveillance activities that Uber engaged? 08:36:32

23 A. Other than the one I just -- we 08:36:37

24 talked about that took place before my being 08:36:39

25 hired there, right, yeah. I'm -- 08:36:41

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1	Q.	You're referring to [REDACTED]?	08:36:42
2	A.	The [REDACTED], yeah.	08:36:45
3	Q.	Other than that, you're not aware	08:36:46
4		of anything?	08:36:47
5	A.	I'm not aware of anything.	08:36:48
6		[Discussion off the record.]	08:37:01
7	Q.	I should have given you that	08:37:02
8		caveat at the beginning.	08:37:04
9	A.	It's okay.	08:37:06
10	Q.	In terms of the research that you	08:37:24
11		mentioned of third parties -- third-party	08:37:26
12		competitors --	08:37:28
13	A.	Yes.	08:37:31
14	Q.	-- did you or are you aware of	08:37:31
15		anyone else at Uber ever attempting to gather	08:37:34
16		that research by speaking to individuals who	08:37:39
17		were employed at these third parties?	08:37:43
18	A.	Say that question again now.	08:37:50
19	Q.	Sure.	08:37:51
20		Did you or are you aware of anyone	08:37:56
21		else at Uber ever attempting to gather research	08:37:59
22		about competitors of Uber by speaking to	08:38:04
23		individuals who were employed at those	08:38:08
24		competitors?	08:38:11
25	A.	No.	08:38:14

Paul Frederickson

PAUL J. FREDERICKSON, CCR, CSR

WA CCR 2419 CA CSR 13164

Expiration date: March 31, 2018

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25